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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/574,035	05/02/2007	Anders Lenning	12400-069	8028
757	7590	03/09/2010	EXAMINER	
BRINKS HOFER GILSON & LIONE			HAUGLAND, SCOTT J	
P.O. BOX 10395				
CHICAGO, IL 60610			ART UNIT	PAPER NUMBER
			3654	
			MAIL DATE	DELIVERY MODE
			03/09/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/574,035	LENNING, ANDERS	
	Examiner	Art Unit	
	SCOTT HAUGLAND	3654	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 13 January 2010.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1 and 4-20 is/are pending in the application.

4a) Of the above claim(s) 10, 12-17, 19 and 20 is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1, 4-9, 11 and 18 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____ .
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)	5) <input type="checkbox"/> Notice of Informal Patent Application
Paper No(s)/Mail Date _____ .	6) <input type="checkbox"/> Other: _____ .

DETAILED ACTION

Election/Restrictions

Claims 10, 12-17, 19, and 20 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 6/30/09. Claim 19 has been withdrawn because it includes features of the Fig. 10 embodiment which are not present in the elected species of Fig. 1.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 4-9, 11, and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Clute et al (U.S. Pat. No. 6,616,081).

Clute et al discloses a seat belt retractor comprising: a locking device (17), a force limiter (13) to permit the restricted paying out of the seat belt (9) webbing with the absorption of energy, the force limiter (13) providing a first relatively high energy absorbing level (via section 14) and a second relatively low energy absorbing level (via section 15), and a control mechanism (including 19) operable to select between the

energy absorbing levels in response to a crash related electric signal (generated by control unit 39; Fig. 8). The control mechanism initially selects the first energy level upon locking of the retractor (10) by the locking device (17) and is responsive to relative movement between two components of the retractor (10) caused by an initial belt force less than a predetermined force to permit selection of the second energy level. The control mechanism is responsive to the relative movement between the components of the retractor (10) caused by an initial belt force in excess of the predetermined force to inhibit the effective selection of the second energy absorbing level, thereby maintaining the first energy level (col. 2, line 53 - col. 3, lines 8). The two components of the retractor are formed by a first part (50 and frame) of a spindle and a second part (12) of the spindle movable relative to the first part. The force limiter comprises an energy absorbing torsion bar (13) connected to the first and second parts of the spindle. The control mechanism includes a radially movable locking element (21) and an inhibiting element (18), the inhibiting element (18) engaging part of the torsion bar (13) between the first and the second sections (14 and 15) thereof, the locking element (21) initially engaging part of the inhibiting element (18) and the second part of the spindle (12) to secure the inhibiting element (18) to the second part of the spindle (12), the locking element (21) being movable to a release position through the control mechanism in which the locking element (21) does not secure the inhibiting element (18) to the second part of the spindle (12) (col. 4, lines 1-14). The locking element is initially retained in an engaged position by blocking element 45 which is in the form of a ring. The blocking element is movable by a control element (28) which is movable by gas generated by

pyrotechnic squib (27). Wires supply the electric signal, a part of one wire extending between the first and second parts of the spindle (Fig. 8).

With regard to claim 18, the wires are inherently configured to be broken and configured to be broken upon relative movement of the first and second parts of the spindle.

Response to Arguments

Applicant's arguments filed 1/13/10 have been fully considered but they are not persuasive.

Applicant argues that applicant's control mechanism permits selection to the lower energy level when an initial belt force is less than a predetermined force rather than after a pre-selected time threshold or a pre-selected number of belt spool revolutions as in two disclosed embodiments of Clute et al described at col. 2, line 53 - col. 3, line 8. However, the referenced part of Clute et al refers the actual switching of energy absorbing levels, while the claims recite permitting and inhibiting selection which do not involve any actual change in energy absorbing level. Clearly, selection of different energy absorption levels in Clute et al is permitted and relative movement of components caused by some belt force less than a predetermined force does not affect the ability to switch levels. The selection of the lower energy absorption level is inhibited by set collar 19 and spool ring 45 in Clute et al being located in initial position shown in Figs. 1 and 2. There would be a belt force associated with a relative movement of the components that does not result in a change in the position of set

collar 19 and spool ring 45 in Clute et al. For example, in the time-controlled embodiment, a force applied before the time threshold has been exceeded would not affect the position of set collar 19 and spool ring 45. In the revolution-controlled embodiment, a belt force that does not result in a sufficient number of revolutions of the spool would not affect the position of set collar 19 and spool ring 45. This belt force can be greater than the predetermined force above since the predetermined force can approach zero. Thus, in response to relative rotation due to such a belt force greater than the predetermined force, the selection of the lower force level is inhibited. Note that the language of claim 1, lines 9-11 and the use of the term "responsive" therein does not require any change in the state of the control mechanism or retractor based on the disclosed operation of corresponding parts of the apparatus.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SCOTT HAUGLAND whose telephone number is (571)272-6945. The examiner can normally be reached on Mon. - Fri., 10:00 am - 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Q. Nguyen can be reached on (571) 272-6952. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/John Q. Nguyen/
Supervisory Patent Examiner, Art Unit 3654

/SJH/